

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

LARRY MARSHAK,

Petitioner,

v.

ESTATE OF WILLIAM PINKNEY and  
THE ORIGINAL DRIFTERS, INC.

Respondents.

Civil Action No: 19-CV-7035

**PETITION TO VACATE  
ARBITRATION AWARD**

Petitioner Larry Marshak (“Marshak”) hereby petitions the Court pursuant to the Federal Arbitration Act, 9 U.S.C. §1 et seq., to vacate the April 30, 2019 Final Award rendered in the American Arbitration Association proceeding in New York styled Larry Marshak v. Estate of William Pinkney and The Original Drifters, Inc., AAA Case No. 01-16-0000-3521.

For cause, Petitioner states that (1) the arbitrator failed to make a mutual, final and definite award; (2) the arbitrator exceeded his powers; (3) the arbitrator committed misconduct in refusing to grant a continuance and hear evidence pertinent and material to the controversy, and (4) the arbitrator acted in manifest disregard of the law.

Pursuant to Local Rule 6.1(c), Petitioner requests an oral argument on this Petition.

This Petition is supported by the accompanying memorandum, declaration and exhibits.

Respectfully submitted,

LARRY MARSHAK

Dated: July 29, 2019

By: /s/ Eric M. Sommers  
Eric M. Sommers  
(*pro hac vice* applied for and pending)  
SOMMERS LAW, PLLC  
116 South River Road, Bldg. D, Suite 5  
Bedford, NH 03110  
[Eric@sommerslaw.com](mailto:Eric@sommerslaw.com)  
(603) 570-4854